



Express Mail No. **EV333997366US**

JAN 16 2004

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RESPONSE TO RESTRICTION REQUIREMENT

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket (Confirmation No.)	CONN015CON 6580
First Named Inventor	C. Schwabe
Application Number	09/846,149
Filing Date	April 30, 2001
Group Art Unit	1654
Examiner Name	A. Gupta
Title:	<i>Relaxin-like factor and method and uses thereof</i>

Sir:

This is in response to the Restriction Requirement dated December 16, 2003. The Restriction Requirement set forth a one-month time period for response, making a response due on or before January 16, 2004. *A Petition for a five-Month Extension of Time is submitted herewith, making this amendment due on or before June 16, 2004.* Accordingly, this response is timely filed.

I. REMARKS

In the Restriction Requirement, the Examiner required election of one of the following groups of claims:

- Group I: Claims 1-3, 7-9 and 13 drawn to relaxin like factor peptide;
- Group II: Claims 1,4-6, drawn to method of using relaxin like factor in a treatment of a condition;
- Group III: Claims 1 and 10, drawn to radiolabelled relaxin like factor; and
- Group IV: Claims 1, 11-12, drawn to a method of using relaxin like factor in a binding assay.

Applicants hereby elect to prosecute the claims of Group II (claims 1 and 4-6), with traverse. Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application.

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This election is made with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-13 together. Accordingly, Applicants traverse the restriction requirement.

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number CONN015CON.

Respectfully submitted,
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Date: June 7, 2004

By: 

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